Bishop Mendez and the 1990 SSPV Ordinations

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Conflicting accounts by participants lead to an unsettling conclusion.

In September 1990, the former Bishop of Arecibo, Puerto Rico, the Most Rev. Alfred F. Mendez CSC, ordained to the priesthood two members of the Society of St. Pius V (SSPV).

Since Bp. Mendez did not wish to be linked publicly with the traditionalist cause, the ordination was held in secret in a school chapel in Cincinnati, Ohio. To shield the prelate's identity further when the two newly-ordained priests suddenly appeared on the traditionalist scene, the SSPV gave out the name of their ordaining bishop as "Francis Gonzalez."

In a letter to a Society of St. Pius X priest the following month, moreover, Bp. Mendez himself actually denied his involvement, dismissing the story that he performed the ordination as an "ugly rumor."

Over the years, SSPV priests who participated in the ordination ceremony have given various conflicting accounts about how this rite was actually conducted. In particular, these touch upon the question of how Bp. Mendez recited the essential sacramental form — the one sentence in the rite absolutely required for the validity of the ordination.

No traditionalist, of course, wants one more controversy, especially over a hot-button issue like the validity of an ordination.

The case of the 1990 ordination, however, is *very* disturbing. The attempt to reconcile all the successive accounts of **how**Bp. Mendez recited the sacramental form, how **often** he recited it during the ceremony, what **text** he recited and what **book** he used has resulted in nothing but confusion and contradiction.

And the attendant consequences if there *had* been a substantial defect — that two priests who have been on the SSPV mission circuit since 1990 are invalidly ordained — are terrible to contemplate. For even though the SSPV priests as a matter of policy refuse sacraments to several broad categories of traditional Catholics (my current parishioners among them), many traditional

Catholics (including ones that I formerly served) rely exclusively upon SSPV for sacraments, particularly in the East and Middle West where the two priests now work.

When this matter first came to my attention in late 2000, I tried without success to get it resolved discreetly. Shortly thereafter, I also wound up on a plane next to one of the priests ordained at the 1990 ceremony, a former student of mine. I explained the principles involved, and urged him to get the problem rectified. He listened politely, but I was unable to gauge whether he actually understood. And as far as I know, nothing was ever done.

Since this seems still to be the case, I will lay out here a few basic principles on the sacraments and then set down in chronological order the various conflicting accounts that participants in the 1990 ordinations have provided over the years. At the end of this article, I will offer a summary, followed by some practical conclusions.

By that point, however, I suspect that most readers will have already come to the same disturbing conclusions as I.

I. General Principles

We begin by recalling some principles on the sacraments:

• As I have demonstrated elsewhere in my article on the 1981 episcopal consecrations conferred by Abp. P.M. Ngo-dinh-Thuc, when a Catholic minister confers a sacrament using a Catholic rite, ordinary pastoral practice, canon law, and the principles of moral theology automatically treat the sacrament he confers as valid.[1]

As regards Holy Orders in particular, Cardinal Gasparri, the compiler of the Code of Canon Law, said: "…an act, especially one as solemn as an ordination, must be regarded as valid, as long as invalidity would not be clearly demonstrated."[2]

Accordingly, when Bp. Mendez conferred Holy Orders in 1990 using the Church's traditional ordination rites, the sacrament he conferred automatically enjoyed the presumption of validity, no matter *what* one thought of him otherwise.

• Despite this presumption, however, a sacrament that a Catholic minister confers using a Catholic rite must be treated as invalid if, when the rite was performed, a *substantial* defect occurred (or even probably occurred)

in one of the three essential elements of the sacrament: matter, form or intention.

The second element mentioned, the *form*, refers to the short, essential formula in the rite that the Church (either through some papal pronouncement or through the common teaching of approved theologians) designates as required for validity.[3]

A substantial defect in the sacramental form takes place when it is either *omitted* entirely, or when its *meaning* is *substantially* changed — "when the meaning of the form itself is corrupted… if the words would have a meaning different from that intended by the Church."[4]

From the various accounts given by participants present at the 1990 ordinations, there is good reason to fear that Bp. Mendez mispronounced the essential sacramental form in such a way that its meaning was corrupted. We now turn to those accounts.

II. Initial Accounts: Two Pronunciations

The first indications that a defect occurred in the essential sacramental form came from two SSPV priests who had been present at the ceremony, the Rev. Thomas Zapp and the Rev. Clarence Kelly.

A. Father Zapp's Account. Fr. Kelly had designated both Fr. Zapp and himself to be the "qualified witnesses" to the ordination in order to attest that Bp. Mendez performed it validly, using the correct matter and form. They stood next to each other on the Gospel side of the sanctuary, six feet away from Bp. Mendez, sharing the same *Pontifical* (the ritual book with the ordination rites), and following the text.

(Neither canon law, moral theology nor the rubrics themselves prescribe such a role at a sacramental rite, by the way. Fr. Kelly had invented it in order to impugn the validity of the Thuc consecrations.)[5]

Before the recitation of the essential words, Fr. Kelly alerted Fr. Zapp by whispering "here comes the form."

After Bp. Mendez recited the form, Fr. Zapp recalled, "We looked at each other and said '*What'?"* Fr. Kelly had Fr. Jenkins stop the bishop and ask him to repeat it. Bp. Mendez was visibly upset at the request.

Nevertheless, Bp. Mendez recited the form a second time. Again, Frs. Kelly and Zapp followed the words together.

Fr. Kelly asked Fr. Zapp, "Did he get it right this time?" Fr. Zapp, trusting that Fr. Jenkins had heard it pronounced correctly the second time through, said "I *think* so." Apparently Fr. Kelly was satisfied with the "I *think* so," because there was no attempt to have Fr. Jenkins stop the bishop again.

At the time, Fr. Zapp had no worries about the validity of the sacrament. It was only a few years later, when some of the other information about the ordination began to come out, that he realized the gravity of the problem.

Fr. Zapp added: "There was absolutely no mention again of this fiasco — in my presence anyway — except, when returning to the sacristy (after the disaster of a ceremony), Fr. Kelly and I looked at each other, shaking our heads, and he said to me, 'I'll *never* do this again!'"

B. Father Kelly's Account. After the death of Bishop Mendez in 1995, SSPV announced that Bp. Mendez had not only performed the 1990 ordinations, but in October 1993, had also secretly consecrated to the episcopacy Fr. Kelly, the SSPV Superior.

The circumstances surrounding Bp. Kelly's 1993 consecration, it was immediately noted, had a great deal in common with the circumstances surrounding the 1981 episcopal consecrations conferred by Abp. Thuc — which consecrations the erstwhile Fr. Kelly had for years been denouncing as invalid. In 1997, therefore, Bp. Kelly published *The Sacred and the Profane,* a 300-page book devoted in its entirety to trying to distinguish the two — justifying Bp. Mendez and himself ("The Sacred"), and condemning Abp. Thuc and others ("The Profane").[6]

On page 210 and following, Bp. Kelly gave his own lengthy version of what transpired at the 1990 priestly ordinations. He confirmed that Bp. Mendez had indeed pronounced the essential form twice. At the same time, however, Bp. Kelly tried to put to rest the worries occasioned by Fr. Zapp's eyewitness account of Bp. Mendez garbling the sacramental form.

But Bp. Kelly's telling of the story would not ultimately have reassuring effect that he intended.

III. Change in Meaning: “Quae Sumus”

In 2000, three years later, I was preparing teach my course on the sacraments at Most Holy Trinity Seminary (then located in Warren, Michigan). The course begins with an overview of the general principles that moral theology and canon law lay down for the conferral of sacraments.

For some reason, Bp. Kelly’s account of the 1990 ordinations from *The Sacred and the Profane* came to mind as I was reviewing my teaching notes on defects in a sacramental form — that is, what kinds of changes in the wording render a sacrament doubtful or invalid.

Putting my notes side-by-side with the passage in Bp. Kelly’s book led me to do a bit more research in other commentaries on the sacraments. I then sent the following letter to the local SSPV priest in Cincinnati, the Rev. William Jenkins. (The Latin quotes have been translated.)

* * *

November 4, 2000

Dear Father Jenkins,

In preparing for my *Jus Sacramentarium* course at Warren, I happened to recall something disturbing about Bp. Kelly’s written account of the September 1990 ordinations.[7]

Seeking to discredit Fr. Zapp’s recollections that Bp. Mendez had somehow garbled the essential sacramental form, Bp. Kelly wrote that the confusion arose over the word *quaesumus*, which, in the *Pontificale* Bp. Mendez was using, was hyphenated in the middle, so that *quae* appeared on one line in the Pontifical and *sumus* on the next. According to Bp. Kelly:

“As Bishop Mendez read the words of the form, he placed his right index finger on the book at the beginning of the form which had been marked. He then carefully, deliberately and slowly pronounced each word. When he [Bp. Mendez] came to the word ‘*quaesumus*,’ which was hyphenated, he pronounced ‘*qua*e-‘ then moved his finger to the beginning of the next line and pronounced ‘*sumus*.’ When I heard the syllables pronounced separately, I was startled and thought that Bishop Mendez had made a mistake.” (*The Sacred and the Profane*, 210ff.).

Bp. Kelly related that he then informed you, and that Bp. Mendez repeated the form:

"Again, he pronounced the word '*quaesumus*' as he had done before. And again I thought he had made a mistake. It was clearly a case of my being too careful. I again told Fr. Jenkins who spoke to Bishop Mendez. But Bishop Mendez knew he had not made a mistake and he let us know it. But I still thought he had made a mistake." (*Ibid*.)

From these passages it seems clear that Bp. Mendez mispronounced the beginning of the essential sacramental form as "*Da quae sumus*", rather than "*Da, quaesumus*".

When I first read this account, I thought nothing more of it — perhaps just an amusing example of sloppy pronunciation by a typical American bishop with rusty Latin.

Last month, however, I came across the following passage in Halligan's *The Administration of the Sacraments* (photocopy enclosed):

"Regarding corruption or change in the sacramental form… The separation of individual words or of syllables does not constitute a substantial alteration, **unless the interval is long enough to alter the meaning of the sentence (more easily admissible when syllables are separated**). In such a case, the moral unity of the form as one complete prayer is destroyed by the interruption, and **also by such grammatical changes or mistakes as could actually change the meaning of the form**. Substantial alteration may also be risked by faulty articulation or by clipping words through haste. In practice, **where a complete word is de facto interrupted through a pause between syllables, it is advisable to repeat the word**, unless the interruption is extremely slight."[8]

The teaching of other authors (photocopies also enclosed) is similar:

"Separating syllables changes the meaning [of a sacramental form] far more easily than separating the words, so that **even a moderate separation would render the sacrament either invalid or at least doubtful**." (Cappello)[9]

"Grammatical errors generally do not change the form substantially, **unless a clearly different meaning results from it, or the words become completely different**." (Regatillo)[10]

"Through corruption or speed or stuttering [a change in the sacramental form is merely] accidental. But it is substantial [*secus*] **if the meaning**

completely disappears, e.g., by saying 'Hic (as an adverb) est corpus meum…" (Aertnys-Damen)[11]

In light of these principles, Bp. Kelly's account of how Bp. Mendez recited the essential form at the September 1990 ordination is very, very troubling:

(1) The change involved an **interruption of syllables**, which "**far more easily changes the meaning, so that even a small [interruption] would render the sacrament invalid or at least doubtful**."

(2) The words do become "**altogether different**." The object of the imperative form of "give" is changed from "the dignity of priesthood" to "the things we are." Thus:

"**Grant,** we beseech [Thee], unto these, thy servants, the **dignity of the priesthood**…"

— becomes —

"**Grant the things we are** unto these, Thy servants, the dignity of the priesthood…

(3) The change does "altogether take away the meaning" from the form.

All this seems to indicate that the use of *quae sumus* in place of *quaesumus* represented a substantial change in the form, which — I need hardly point out — would render the ordination invalid, or at best doubtful.

Far be it from me to tell all of you what to do. But if I were you, I would think seriously about arranging a conditional ordination.

Normally such a course of action would be pursued discreetly. However, Bp. Kelly published an extensive and detailed account of this error in his book. If one person noticed that the error was substantial and therefore invalidating, others will eventually notice it too.

It would be better to rectify the ordination and let people know.

Yours in Christ, etc.

* * *

To sum up the main point of my letter to Fr. Jenkins: If we take at face value Bp. Kelly's account of the 1990 ordination, the way Bp. Mendez separated the syllables of a word (*quaesumus*) substantially changed

the *meaning* of the sacramental form from "Grant… **the dignity of the priesthood**," to "Grant **the things we are**…"

According to the principles of sacramental theology outlined above, a *substantial* change in meaning renders a sacrament invalid, or at best doubtful.

Such principles, by the way, are not designed to make the sacraments an exercise in nit-picking. The rules about sacramental forms are intended to insure the opposite: that, no matter *how* incompetent a Catholic minister may be in performing the rest of the rite, the bare minimum he needs to get right to confer the sacrament validly is *very* little and *very* easy.

But if even that *minimum* is not there, the rite ceases to be a sign and by definition cannot confer the sacramental grace.

IV. Singular or Plural Form?

Before I heard back from Fr. Jenkins, the Rev. Joseph Collins, a fellow former-SSPV colleague, discovered another unsettling point in *The Sacred and the Profane*.

Bp. Kelly, intending to reassure those who heard Fr. Zapp's account, says that the essential form "was marked so that it was easily distinguishable from the rest of the text of the Preface. It was enclosed in brackets and the words *Forma essentialis* were written in the margin on both sides of the page."[12] In a footnote, he refers readers to Appendix A of his book for "a facsimile copy of the actual page from the *Roman Pontifical* used by Bishop Mendez" at the 1990 ordination.

Fr. Collins, ever the eagle-eyed proofreader, noticed that the facsimile in the Appendix (p. 274) was actually the **singular** form (for ordaining **one** priest), rather than the **plural** form (for ordaining **two or more** priests).

If this page in the *Pontifical* was in fact what Bp. Mendez used, this raises *another* question: Is using the *singular* form for conferring the Sacrament of Holy Orders sufficient to confer it on *two or more* candidates?

By analogy with what the *Roman Ritual* prescribes for baptism, it would seem that the singular form is *not* sufficient. In the case of an emergency, one

can validly baptize several candidates simultaneously, but the *plural* form is prescribed[13] — *Ego* **vos** *baptizo*… The reasoning, no doubt, is that the recipient of the sacramental grace must be sufficiently designated in the form.[14] Likewise, to absolve a large group of penitents in an emergency, the plural form, rather than the singular (*vos* rather than *te*) is prescribed.[15]

When word of the singular-plural mix-up circulated, SSPV sent out **another** facsimile of the form in the **plural**, claiming that *this* text was the one Bp. Mendez had in fact used for the 1990 ordination, and that wrong page from the *Pontifical* had been reproduced in Bp. Kelly's book "due to an editor's mistake."

As someone who since 1993 has spent countless hours researching, organizing and personally overseeing ordination rites, as well as studying various editions of the *Pontifical*, I am *very* skeptical of this explanation.

Many older editions of the *Pontifical* (such as the one Bp. Mendez used) are confusing to use due to their typesetting and layout. The title and page headers for the priestly ordination rite sometimes appear in the **singular** (*De Ordinatione Presbyteri* — "For the Ordination of **a Priest**"), even when the text of the accompanying rite is the one used for **two or more** priests and is in the **plural**.

This was the case with both facsimiles Bp. Kelly reproduced. Though the text of the first was singular and the second plural, the headers were identical and in the singular. Unless you really understand Latin and know the rites inside out — and the last time Bp. Mendez, then 82, would have ordained *anyone* in Latin with the old rite would have been 22 years earlier at *best* — it would be very easy to mix up the singular and plural texts during a ceremony.

And in any case, Bp. Kelly **himself** did not notice that he printed the singular text **in his own book** — his 300-page magnum opus, written as the final vindication of Bp. Mendez. If Bp. Kelly did not recognize the singular text in *print* until it was pointed out, his later claims that the plural text was used at the *ceremony* nevertheless are not particularly reassuring.

V. A Third Pronunciation and a Second Book

Nearly eight months later, in a letter dated June 28, 2001, Fr. Jenkins finally replied to my letter of November 4, 2000.

Although I had not mentioned the singular-plural problem, Fr. Jenkins volunteered that wrong page of the *Pontifical* was printed in Bp. Kelly's book, and that "the plural formula was used. Again, I was in a position to know and have sworn to that fact."

Fr. Jenkins confirmed that Bp. Mendez had pronounced the sacramental form once and then repeated it a second time when asked. Fr. Jenkins insisted that, "Bishop Mendez had pronounced the form exactly and correctly."

However, Fr. Jenkins then added two *new* details that confused matters still further:

- After the second time Bp. Mendez pronounced the form, Fr. Kelly was still worried it had not been done correctly and compelled Bp. Mendez to recite it yet again — a **third** time.

- For this, said Fr. Jenkins, Bishop Mendez "called for the small book of ceremonies he had brought with him and thence repeated the form from his own book." This **second book**, unmentioned in any account and not identified by Fr. Jenkins, appears and is used for the form.

So, a third pronunciation and a second book suddenly materialize — eleven years after the fact!

However, Fr. Zapp — designated by Fr. Kelly as the "qualified witness" to the ordination — **denied** that Bp. Mendez pronounced the form a third time.

"No way was there a third try at the form!" said Fr. Zapp. "For one thing, the already disturbed Mendez would have blown a gasket."

VI. Two Pronunciations, then Three

The most recent version of the story came from Albert Russo. In the 1980s Mr. Russo was a seminarian in the Society of St. Pius X when I was a member. Though he was never ordained, he was present for the 1990 ordination, and he now teaches at Bp. Kelly's seminary in Round Top NY.

In a casual conversation with Bishop Donald Sanborn in July 2006, the topic of the 1990 ordinations came up. Mr. Russo said that Bp. Mendez had

pronounced the sacramental form **twice** — as indeed Bp. Kelly's book and Fr. Zapp had related.

Subsequently, however, Mr. Russo informed Bp. Sanborn that he had spoken with Fr. Jenkins, and that there had been **three** pronunciations of the form.

VII. A Summary

We will now try to put all this together:

(1) According to the principles of canon law and sacramental theology, when Bishop Mendez conferred Holy Orders in 1990 using the Church's traditional ordination rites, the sacrament he conferred automatically enjoyed the presumption of validity.

(2) Nevertheless, the same principles of canon law and moral theology would dictate that this ordination must be treated as invalid if a *substantial* defect occurred (or even probably occurred) in one of the three essential elements of the sacrament (matter, form or intention) when Bp. Mendez performed the rite.

(3) Successively over the years since the 1990 ordination, participants have offered several conflicting accounts about how Bp. Mendez pronounced the essential sacramental form.

(4) Fr. Zapp claimed that Bp. Mendez pronounced the sacramental form **twice,** but **quickly** and **garbled** it.

(5) Bp. Kelly claimed that Bp. Mendez pronounced the sacramental form **twice,** but **carefully** and **correctly.**

(6) In an attempt to refute Fr. Zapp's account, however, Bp. Kelly claimed that Bp. Mendez **separated the syllables** of the word "quaesumus" (we beseech Thee) in the essential form.

(7) This, however, turned **one Latin word** into **two words,** changing the phrase "Grant, we beseech Thee… **the dignity of the Priesthood**," to "Grant **the things that we are**…," thus substantially corrupting the meaning of the essential sacramental form required for the validity of a priestly ordination.

(8) To support his version of events, Bp. Kelly reprinted in his book **a facsimile of the actual form** Bp. Mendez supposedly used, **taken from the book Bp. Mendez used**.

(9) This form reproduced from the *Pontifical*, however, was the **singular** form for ordaining **one** priest, instead of the **plural**form for ordaining **two or more** priests.

(10) Had the singular form indeed been used, this would introduce **another** defect in the form, because (1) a sacramental form must specify who is receiving the sacramental grace, and (2) when the minister of baptism or penance confers those sacraments in an emergency on plural recipients simultaneously, he is required to use the plural form.

(11) When it was pointed out that Bp. Kelly had printed the singular form in his book, he issued a **secondfacsimile of the form**, this one in the **plural.**He claimed that *this* version was the one actually used, and he blamed the first facsimile on "an editor's mistake."

(12) In 2001 Fr. Jenkins claimed that Bp. Mendez had pronounced the form **exactly and correctly**.

(13) Fr. Jenkins also claimed that Fr. Kelly compelled Bp. Mendez to pronounce the form a **third** time, something unmentioned in previous accounts.

(14) However, Fr. Zapp, who was standing six feet away from Bp. Mendez at the ordination, insisted that there was **no third pronunciation**.

(15) Fr. Jenkins also claimed that, for this third time around, Bp. Mendez used a previously-unmentioned and unidentified **second book** that was brought out from the sacristy.

(16) Mr. Russo first claimed that Bp. Mendez pronounced the sacramental form **twice**, but having spoken with Fr. Jenkins, subsequently said Bp. Mendez pronounced it **three times**.

These confusing alternatives can be further reduced to the following chart:

Mode of Pronunciation?

1. 1. Quickly and garbled. (Zapp)
2. 2. Carefully and correctly. (Kelly)
3. 3. Syllables separated: *quae sumus*. (Kelly)
4. 4. Exactly and correctly. (Jenkins)

Number of times pronounced?

1. 1. Twice. (Zapp, Kelly)
2. 2. Three times. (Jenkins)
3. 3. **No** third time. (Zapp)
4. 4. Twice or three times. (Russo)

Grammatical Number?

1. 1. Singular form. (Kelly book)
2. 2. Plural form. (Kelly flyer, Jenkins letter)

Ritual Book Used?

1. 1. *Pontifical.* (Kelly book and flyer, Jenkins)
2. 2. Unidentified book. (Jenkins for 3rd time)

VIII. The Practical Conclusion

Before we offer this, a brief observation is in order.

Over the years, Bp. Kelly has enunciated various standards by which he has judged to be invalid the ordinations and consecrations of many traditionalist priests and bishops. In the case of the 1990 ordinations, how does he himself measure up to these standards?

In *The Sacred and the Profane*, Bp. Kelly dismisses the witnesses to the Thuc consecrations as unreliable because several years thereafter one of them mis-identified the ritual book used.[16] Yet for the 1990 ordinations, Bp. Kelly himself did not notice that he printedthe wrong version of the sacramental *form* in his own book.

In the same book, Bp. Kelly pronounced the Thuc consecrations doubtful because the witnesses "had not been properly prepared as witnesses," and "could not testify that the matter and form had been 'correctly applied,' or indeed applied at all."[17] "A witness should be a witness,"[18] Bp. Kelly solemnly declared. "The inability of the witnesses to testify that correct matter and form were applied is cause for serious concern."[19]

A hundred pages later, however, Bp. Kelly inadvertently revealed an invalidating defect in the sacramental form during the 1990 ordination — a

defect he himself neither recognized in his capacity as "qualified witness" during the ceremony, nor even noticed later when writing an account intended to vindicate the validity of the ordination.

Bp. Kelly, therefore, has no business passing judgment on either "qualified witnesses" or the validity of ordinations and episcopal consecrations. His own book is a permanent memorial to the fact that he doesn't know what he's talking about.

That said, if we were facing only two *slightly* different versions about *one* detail in the 1990 ordination, we might be able to ascertain what actually went on. But this affair is a total mess. Contradictory accounts, explanations that produce more problems, "editor's errors," events that emerge ten years later, a previously unheard-of book, and so on — there is *no* way to sort it all out.

Nevertheless, one point does emerge: There is enough evidence from participants to conclude that, during the September 1990 ordination, Bp. Mendez probably mispronounced the essential sacramental form in such a way as to invalidate the rite. This difficulty is compounded by the prospect of another potentially invalidating defect: the use of the singular form, rather than the plural.

As a result, there is a positive doubt as to whether the two priests, the Revs. Joseph Greenwell and Paul Baumberger, are validly ordained.

The only solution to this problem is the practical one I hinted at in my letter to Fr. Jenkins, and then directly recommended to Fr. Greenwell: both Fr. Greenwell and Fr. Baumberger must submit to another ordination.

The canonist Regatillo provides the general principle to be followed: "There is an **obligation** to correct a defect: First, **if it concerned something either certainly or probably essential**… Manner of correction: a) If the defect concerned something either certainly or probably essential, **the entire ordination must be repeated**, either absolutely or conditionally."[20]

Further, even if one were to maintain that the ordination was not *certainly* invalid, but merely *doubtful*, the same course of action must nevertheless be followed: "A doubtful ordination, at least in practice, must be repeated again conditionally in its entirety."[21]

Under normal circumstances, the repetition of an ordination "should take place privately and in secret, especially if there would be scandal."[22] This norm was aimed at sparing the laity from worry, and preserving the reputation

of both the bishop who had performed the defective ordination and the ordinand who had received it.

The current case is different. The evidence for the defects appears in Bp. Kelly's book. It is therefore not only public already, but *permanently* so. If I stumbled across it, someone else will one day, and unless the resolution of the matter is publicized adequately, a cloud will always hang over the 1990 ordination.

For this reason, I think that the repetition of the ordination should be public, or at least sufficiently well publicized and documented. If the two priests have *already* submitted to another ordination, this, too, should similarly publicized. In both cases, this would resolve the existing doubts, and reassure the faithful who in the future receive sacraments from these priests that they may do so securely.

Finally, the principles of moral theology forbid the reception of doubtful sacraments outside of danger of death. Therefore, until such time as the Society of St. Pius V provides convincing proof that the two priests ordained by Bp. Mendez in 1990 have undergone a repetition of their ordination, the faithful should neither assist at their Masses, receive sacraments from them, nor receive the Eucharist from tabernacles in the churches they serve.

For all the foregoing reasons, therefore, the re-ordination should take place as soon as possible.

(Internet, September 2006)

Notes

[1]. A. Cekada, "The Validity of the Thuc Consecrations," *Sacerdotium* 3 (Spring 1992), esp. 19—22.

[2]. P. Gasparri, *Tractatus de Sacra Ordinatione* (Paris: Delhomme 1893) 1:970.

[3]. This is a descriptive definition. The technical definition is typically given as "words or some other equivalent signs (as a nod expressing consent in Matrimony) which determine the matter more particularly, both matter and form thus constituting the external sign and producing the sacramental effect." N. Halligan, *Administration of the Sacraments* (New York: Alba House 1962), 6.

[4]. H. Merkelbach, *Summa Theologiae Moralis* 8th ed. (Montreal: Desclée 1949) 3:20. “Quando ipse sensus forma corrumpitur… habeat sensum diversum a sensu intento ab Ecclesia.”

[5]. In canon law a “qualified witness” is a specific technical term for “any sworn official occupying public office giving testimony about matters pertaining to his office.” (See H. Jone, *Commentarium in Codicem Iuris Canonici*, [Paderborn: 1950—55] canon 1791, 3:165.) It has nothing to do with being present at sacramental rites to insure their validity. Fr. Kelly confused this term with Jone’s and the Code of Canon Law’s recommendation that a witness be present “if possible” (*si fieri potest*) in a case where a **layman confers “private” baptism** in danger of death. “Private” baptism is another technical term, referring not to the number of people present but to the ceremonies employed.

[6]. It did not perhaps occur to Bp. Kelly that the need to expend 300 pages explaining “differences” merely proved that the similarities were obvious. The pharisaism of some arguments is even unintentionally amusing, such as Bp. Kelly’s attempt on pp. 41-51 to explain away a 1981 certificate of episcopal consecration that Abp. Thuc had written out in Latin and in his own hand. Clearly, Bp. Kelly is a man who’s got a whole lot of ‘splainin’ to do…

[7]. C. Kelly, *The Sacred and the Profane* (Round Top NY: Seminary Press 1997).

[8]. Halligan, 16.

[9]. F. Cappello, *Tractatus Canonico-Moralis de Sacramentis* 4th ed., (Turin: Marietti 1945) 1:15—6. “Interruptio syllabarum longe facilius, quam verborum interruptio, sensum immutat, ita ut etiam modica vel nullum reddat sacramentum vel saltem dubium.”

[10]. E. Regatillo, *Jus Sacramentarium* 2nd ed., (Santander: Sal Terrae 1949), p. 6. “Errores grammaticales generatim formam substantialiter non mutant, nisi inde sensus plane diversus oriatur, vel verba omnino diversa fiant.”

[11]. Aertnys-Damen, *Theologia Moralis* 18th ed. (Turin: Marietti 1952), 2, p. 15. “Per corruptionem, ob praecipitantiam aut balbutiem … accidentalis; secus, si tollatur omnino sensus, dicendo, e.g. Hic (adverbialiter) est corpus meum…”

[12]. *Sacred and the Profane*, 210.

[13]. Halligan, 34-5, 73.

[14]. If in conferring a baptism, for instance, the priest omits "thee" from the form, saying only "I baptize in the name of the Father…" etc., the rite is invalid.

[15]. Cappello, 2:169.

[16]. See 55—59.

[17]. 62. See also 52—55.

[18]. 61.

[19], 55.

[20]. Regatillo, 874. My emphasis. "*Obligatio* est defectus corrigenda: 1. Si fuit circa certo aut probabiliter essentiale…. *Modus*: a) Si defectus fuit circa certo vel probabiliter essentiale, tota ordinatio repetenda est, *absolute* vel *sub conditione.*"

[21]. J. Nabuco, *Pontificalis Romani: Expositio Juridico-Practica* (New York: Benziger 1944) 1:203. "Ordinatio dubia, licet in praxi tantum, est iterum per integrum sub conditione repetenda."

[22]. Nabuco1:203.

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